

THIRTIETH DAY

(Wednesday, March 5, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Gammage and Williams.

A quorum was announced present.

The Reverend Malford Hierholzer, First United Methodist Church, Lockhart, Texas, offered the invocation as follows:

O God it is by Your permission we live in this great State.
Help these persons who minister here in this place of power and responsibility.
Grant unto them openness and clarity concerning the emerging needs of this great State.

As their lives are squeezed by the many pressures of their job keep them alive to the values of justice and human dignity.

Keep them in touch with their human needs.

In Your name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Williams was granted leave of absence for today on account of important business on motion of Senator Lombardino.

Senator Gammage was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 354 (Amended)

C.S.S.B. 319 (Read first time)

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 216 (Amended)

C.S.S.B. 248 (Read first time)

S.B. 342

H.B. 388

Appointment to Texas College and University System Coordinating Board: O. H. Elliott, Dr. George V. Brindley, Jr., Fred Moore, Mrs. Jess Hay, Harold Herndon, Tony Bonilla, Ford Albritton, Jr.

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 19 (Amended)
S.B. 308
S.B. 311
S.B. 439
S.B. 441

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

C.S.S.B. 109 (Read first time)
S.B. 58 (Amended)
S.B. 164
S.B. 34 (Amended)
C.S.S.B. 110 (Read first time)
C.S.S.B. 12 (Read first time)

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Mauzy:

S.B. 535, A bill to be entitled An Act relating to the places and manner of commitment of criminal defendants insane at the time of trial; amending Subdivision (1), Subsection (d), and Subsection (e), of Section 2, Article 46.02, Code of Criminal Procedure; establishing penalties; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mauzy:

S.B. 536, A bill to be entitled An Act relating to repealing certain safety requirements for activities near high voltage electric lines; repealing Chapter 41, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1436c, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Moore:

S.B. 537, A bill to be entitled An Act relating to the authority of the Comptroller of Public Accounts to prescribe the dates of reports and payments to be made pursuant to Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Jones:

S.B. 538, A bill to be entitled An Act adopting the Parks and Wildlife Code, a formal revision of general and permanent and local and special statutes relating to the Parks and Wildlife Department, wildlife resources, water safety, and state and national parks; repealing the statutes replaced by the code and previously impliedly repealed statutes; and declaring an emergency.

To Committee on Natural Resources.

By Senator Moore:

S.B. 539, A bill to be entitled An Act authorizing the Texas Youth Council to convey the property of the Crockett State School for Girls to the Texas Department of Mental Health and Mental Retardation; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 540, A bill to be entitled An Act relating to the supervision and chartering of savings and loan associations; amending Subsection (d), Article 5, Subchapter II, Texas Banking Code of 1943, as amended (Article 342-205, Vernon's Texas Civil Statutes); amending Article 14, Subchapter I, Texas Banking Code of 1943, as amended (Article 342-114, Vernon's Texas Civil Statutes); amending Sections 2.01, 2.03 through 2.11, 2.14, 10.02, and 10.03, Texas Savings and Loan Act, as amended (Article 852a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Economic Development.

By Senator Sherman:

S.B. 541, A bill to be entitled An Act relating to the establishment of standards of construction, maintenance, and operation of county jail facilities; creating the Commission on Jail Standards; providing powers and duties applicable to the commission; amending Article 5115, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Jones:

S.B. 542, A bill to be entitled An Act relating to the compensation and expenses of members of the Texas State Board of Podiatry Examiners; amending Article 4574, Revised Civil Statutes of Texas, 1925; repealing Section 5, Chapter 96, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

To Committee on State Affairs.

By Senator Jones:

S.B. 543, A bill to be entitled An Act relating to the payment, collection, and deposit of adult probation fees in McLennan County; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Farabee:

S.B. 544, A bill to be entitled An Act relating to certification of the genetic purity and identity of seeds and plants; relating to the composition, powers, and duties of the State Seed and Plant Board; relating to the licensing of producers of certified classes of seeds and plants; relating to the registration of plant breeders; relating to the registration of certain varieties of cotton; providing penalties for the violation of offenses defined in this Act and certain regulations; repealing Articles 56, 57, 58, 59, 60, 61, 62, 63, 64, 64a, 65, 66, and 67, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 93, Acts of the 41st Legislature, 1929, as amended (Article 67a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Farabee:

S.B. 545, A bill to be entitled An Act relating to changing the name of Midwestern University to Midwestern State University; amending the title of Chapter 103 and Section 103.01, Texas Education Code; providing an effective date; and declaring an emergency.

To Committee on Education.

By Senator Clower:

S.B. 546, A bill to be entitled An Act relating to exempting from the Limited Sales, Excise and Use Tax Act the sales of certain food products when sold by certain groups and organizations for the education or the physical or religious training of children; amending Article 20.04, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section (BB); and declaring an emergency.

To Committee on Finance.

By Senator Brooks:

S.B. 548, A bill to be entitled An Act amending Subsection (d), Section 14.08, Family Code; amending Sec. 15.07, Family Code; and adding Subsection (d), Sec. 16.09, Family Code; creating in the natural grandparents the right of reasonable visitation to an adopted child or child whose parent-child relationship has been terminated; and declaring an emergency.

To Committee on Jurisprudence.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committees indicated:

H.B. 116, To Committee on Natural Resources.

H.B. 564, To Committee on State Affairs.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 5, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Governor's Committee on Aging: For a six-year term to expire August 30, 1975: Mr. Abelardo (Al) Villarreal of Alice, Jim Wells County is replacing Mr. Robert R. Sanders of Amarillo, Potter County who resigned.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Teachers' Professional Practices Commission: For a three-year term to expire August 31, 1976: Mrs. Vivian R. Bowser of Houston, Harris County is replacing Mrs. Marjorie Bays of Mesquite, Dallas County whose term expired; Ms. Nancy Hinds Richie of Hereford, Deaf Smith County is replacing Mrs.

Christine Higginbotham of Houston, Harris County whose term expired; Mrs. Emma Jean Tanner of Lake Jackson, Brazoria County is replacing Mrs. Jackie Blackstock of Austin, Travis County whose term expired; Mr. Albert J. Vera of Houston, Harris County is replacing Mrs. Jacqueline B. Brown of El Paso, El Paso County whose term expired; Mr. Brodie Wayne Hutchinson of Andrews, Andrews County is replacing Mrs. Stephen A. Fey of Beeville, Bee County whose term expired; Mr. Herbert F. Groth of Copperas Cove, Coryell County is replacing Mrs. Aida G. Garza of Laredo, Webb County whose term expired; Dr. Richard D. Strahar, of Baytown, Harris County is replacing Dr. John W. McFarland of El Paso, El Paso County whose replacing Mr. Joseph J. Pearce of Richardson, Dallas County whose term expired; Dr. Dana Williams of Corpus Christi, Nueces County whose term expired.

For a three-year term to expire August 31, 1977: Mr. Bruce T. Aiken of Brownsville, Cameron County is replacing Mr. Roy L. Hartman of Hereford, Deaf Smith County whose term expired; Mrs. Patricia Johnson Kelly of Refugio, Refugio County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CO-AUTHOR OF SENATE BILL 440

On motion of Senator Moore and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 440**.

NOTICE OF EXECUTIVE SESSION

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

HOUSE CONCURRENT RESOLUTION 35 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 35, Memorializing Congress to take certain action in the areas of oil, gas and energy production and consumption.

On motion of Senator Sherman and by unanimous consent, the resolution was considered immediately and was adopted.

RECORD OF VOTES

Senators Mauzy, Doggett and Schwartz asked to be recorded as voting "Nay" on the adoption of the resolution.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 5, 1975

Honorable William P. Hobby President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 528, A bill to be entitled An Act relating to certain speeding violations and their effect on insurance premiums and driver's license suspensions; adding Subsections (k), (l), and (m) to Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); providing penalties; and declaring an emergency.

H.B. 627, A bill to be entitled An Act amending Acts 1969, 61st Legislature, Page 1566, Chapter 475, Section 12, relating to fees authorized to be charged by the Board of Nurse Examiners for certain items; providing for severability; and declaring an emergency.

H.B. 245, A bill to be entitled An Act relating to the termination of the employment of an employee who serves as a juror; providing a penalty; and declaring an emergency.

S.B. 40, A bill to be entitled An Act amending Section 10 of Acts 1949, 51st Legislature, Regular Session, P. 160, Ch. 94, as amended, providing for the qualification for eligibility to take the examination given by the Texas State Board of Chiropractic Examiners; increasing the fees therefor; and amending Section 12 of Acts 1949, 51st Legislature, Regular Session, P. 160, Ch. 94, as amended, providing for the subjects to be included in the examination given by the Texas State Board of Chiropractic Examiners; and declaring an emergency.

H.B. 199, A bill to be entitled An Act relating to oaths, affidavits, and affirmations made by the husband or wife of a member of the Armed Forces of the United States or any auxiliary thereto; amending Section 4, Article 26, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 139, A bill to be entitled An Act relating to extending the temporary speed limits on highways under certain circumstances; amending Subsection (j), Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 333, A bill to be entitled An Act relating to the definition of an industrial development agency; amending Section 2(d), Chapter 843, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5190.2, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 300 ON SECOND READING

The President laid before the Senate as unfinished business **S.B. 300** on its second reading and passage to engrossment.

Question - Shall **S.B. 300** as amended be passed to engrossment?

Senator Hance (he having voted on the prevailing side) moved to reconsider the vote by which the amendment by Senator Mauzy was adopted on yesterday.

The motion prevailed by the following vote: Yeas 17, Nays 12.

Yeas: Adams, Aikin, Braecklein, Creighton, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Andujar, Brooks, Clower, Doggett, Farabee, Harrington, Longoria, Mauzy, McKnight, Mengden, Patman and Schwartz.

Absent-excused: Gammage and Williams.

Question - Shall the amendment be adopted?

Senator Snelson moved to the table the amendment.

The motion to table prevailed by the following vote: Yeas 15, Nays 14.

Yeas: Adams, Aikin, Braecklein, Creighton, Harris, Jones, Lombardino, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Andujar, Brooks, Clower, Doggett, Farabee, Hance, Harrington, Kothmann, Longoria, Mauzy, McKnight, Mengden, Patman and Schwartz.

Absent-excused: Gammage and Williams.

Senator Brooks offered the following amendment to the bill:

Amend printed Senate Bill 300 by inserting a new Section 7 in proper sequence at line 52, page 6, and renumbering all subsequent sections accordingly, the new section to read as follows:

Sec. 7. Subdivision 6, Section 48a, Texas Election Code, as amended (Article 5.16a, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 6. Replacement of lost certificate. If a voter to whom a registration certificate has been issued presents to the registrar his signed statement ~~[affidavit]~~ that the certificate has been lost or destroyed, the registrar shall issue to the voter a replacement certificate as a single-copy document, showing the same registration number and the same information as shown on the original certificate. The registrar shall make a notation on the face of the certificate showing it to be a replacement. He shall attach the statement ~~[affidavit]~~ to the voter's application.

"A person who states in a request for a replacement certificate ~~[makes an affidavit]~~ that his [a] registration certificate has been lost or destroyed, knowing the statement ~~[affidavit]~~ to be false, is guilty of a misdemeanor."

The amendment was read and was adopted.

On motion of Senator Snelson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATOR ANNOUNCED PRESENT

Senator Gammage who had previously been recorded as "Absent-excused" was announced "Present".

SENATE BILL 300 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 300** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Kothmann.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Kothmann.

Absent-excused: Williams.

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill and resolution:

S.B. 39
S.C.R. 26

SENATE BILL 275 ON SECOND READING

Senator McKinnon moved that the Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 275** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Sherman, Snelson and Traeger.

Nays: Brooks, Jones, McKnight, Ogg and Schwartz.

Absent-excused: Williams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 275, A bill to be entitled An Act relating to the disposition of funds collected or received by certain state agencies; making an appropriation; and declaring an emergency.

The bill was read second time.

Senator McKinnon offered the following amendment to the bill:

Amend **S.B. 275** as follows:

(1) Strike Section 3 and substitute the following:

"Sec. 3. **APPLICABILITY OF ACT; EXEMPTIONS.** (a) This Act applies to each state agency only to the extent that it is not otherwise required to deposit funds in the state treasury.

"(b) This Act does not apply to:

"(1) funds pledged to the payment of bonds, notes, or other debts if the funds are not otherwise required to be deposited in the state treasury; or

"(2) funds held in trust or escrow for the benefit of any person or entity other than a state agency."

(2) Strike Section 6 and renumber Section 7 as Section 6.

The amendment was read.

Senator Ogg offered the following amendment to the amendment to the bill:

Amend the pending amendment to **S.B. 275** by adding to the pending amendment a new Subparagraph, Section 3(b)(3). This Act does not apply to the funds received by the Department of Banking pursuant to Art. 42-112 V.A.C.S., to the funds received by the Savings and Loan Department pursuant to Art. 342-205(h), V.T.C.S., or to the funds received by the Consumer Credit Commissioner pursuant to Art. 5069 V.A.C.S.

The amendment to the amendment was read.

On motion of Senator McKinnon the amendment was tabled.

RECORD OF VOTES

Senator Ogg asked to be recorded as voting "Nay" on the motion to table the amendment.

Senator Longoria asked to be recorded as voting "Present-Not Voting" on the motion to table the amendment.

Question recurring on the adoption of the amendment by Senator McKinnon, the amendment was adopted by the following vote: Yeas 26, Nays 3, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz,

Sherman, Snelson and Traeger.

Nays: Farabee, Mengden and Ogg.

Present-Not Voting: Longoria

Absent-excused: Williams.

Senator Ogg offered the following amendment to the bill:

Amend **S.B. 275** as follows:

(1) Amend Section 5 to read as follows:

"Sec. 5. EFFECTIVE DATE. This Act takes effect September 1, ~~(1975)~~ 1977, for all funds unexpended or unencumbered on that date."

(2) Striking Section 6 and renumbering the succeeding section accordingly.

The amendment was read.

Senator McKinnon moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Brooks, Jones, McKnight, Mengden and Ogg.

Absent-excused: Williams.

On motion of Senator McKinnon, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Ogg and Mengden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 275 ON THIRD READING

Senator McKinnon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Patman, Santiesteban, Sherman, Snelson and Traeger.

Nays: Brooks, Harris, Jones, Mengden, Ogg and Schwartz.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Moore, Patman, Sherman and Traeger.

Nays: Brooks, Harris, Jones, McKnight, Mengden, Ogg, Santiesteban, Schwartz and Snelson.

Absent-excused: Williams.

SENATE BILL 360 ON SECOND READING

Senator Aikin moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 360** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent: Harris.

Absent-excused: Williams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 360, A bill to be entitled An Act amending the Section 54.060, Texas Education Code; providing for tuition charges to certain nonresident students; and declaring an emergency.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend **S.B. 360** by striking lines 20 through 25 and inserting the following in lieu thereof:

"nonresident student resides. The nonresident student described in this section shall pay equivalent fees and charges to those charged Texas students registered at a similar institution in the state in which the nonresident student resides, when such student registers at the Texas public senior institution of higher education located nearest the Texas public junior college from which the nonresident student has graduated or completed 45 semester credit hours."

The amendment was read and was adopted.

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 360 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent: Harris.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent: Harris.

Absent-excused: Williams.

SENATE BILL 377 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 377** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Williams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 377, A bill to be entitled An Act relating to the membership and per diem of members of the State Soil Conservation Board; amending Subsections A and D, Section 4, State Soil Conservation Law, as amended (Article 165a-4, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 377 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 377** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 5, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 154, A bill to be entitled An Act providing that criminal trials may, in certain instances, be held in any county within the judicial district for the county where venue is authorized; amending the Code of Criminal Procedure, 1965, by adding Article 13.20; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 440 ON SECOND READING

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 440** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Williams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 440, A bill to be entitled An Act amending Section 13 of Chapter 186, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 6674m, Vernon's Texas Civil Statutes); providing a method by which percentages retained from partial payment under state highway contracts may be placed in escrow until the entire work has been completed; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 440 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Absent-excused: Williams.

MOTION TO PLACE SENATE BILL 312 ON SECOND READING

Senator Gammage moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 312** be taken up for consideration at this time.

On motion of Senator Gammage and by unanimous consent, the motion to suspend the rules was withdrawn.

SENATE BILL 15 ON SECOND READING

Senator Braecklein moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 15** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Clower, Mauzy and Ogg.

Absent-excused: Williams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 15, A bill to be entitled An Act amending certain sections of The Securities Act as amended (Articles 581-1 to 581-39, Vernon's Texas Civil Statutes), by adding a new Subsection S to Section 5 to provide an exemption for certain transactions of sales of certain securities options in certain circumstances; by adding a new Section 28-1 relating to the making or adopting of rules and regulations by the State Securities Board and procedures therefor; by amending Section 34 relating to actions for commissions by persons not registered as securities dealers; by adding a new Section 25-1 relating to receiverships of persons or assets of persons acting as securities dealers; and declaring an emergency.

The bill was read second time.

Senator Braecklein offered the following Committee Amendment to the bill:

Amend Subsection L of quoted Section 28-1 in Senate Bill 15 as follows:
Change the phrase "rule and regulation" to "rule or regulation" wherever it appears in the subsection.

The amendment was read and adopted.

RECORD OF VOTES

Senators Mauzy, Ogg, Clower and McKinnon asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Braecklein and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Ogg, Clower and McKinnon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 15 ON THIRD READING

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Clower, Mauzy and Ogg.

Absent-excused: Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read-third time and was passed.

RECORD OF VOTES

Senators McKinnon, Mauzy, Ogg and Clower asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 5, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 82, A bill to be entitled An Act relating to the clergyman-penitent privilege; amending Article 3715a, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, March 6, 1975

S.R. 171 - Senator Aikin
S.R. 172 - Senator Schwartz
S.C.R. 17 - Senator Schwartz
C.S.S.B. 28 - Senator Meier
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
S.B. 310 - Senator Snelson
S.B. 366 - Senator Mauzy
S.B. 378 - Senator Traeger
S.B. 429 - Senator Brooks

MEMORIAL RESOLUTIONS

S.R. 252 - By Senator Doggett: Memorial resolution for Mrs. Elizabeth A. Odom.

S.R. 257 - By Senator Brooks: Memorial resolution for L. L. "Bill" Hay.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 28 - By Senator Sherman: Declaring National Wildlife Week.

S.R. 246 - By Senator Clower: Extending congratulations to Mr. J. D. Francis.

S.R. 247 - By Senator Clower: Extending welcome to Maurice Coats.

S.R. 248 - By Senator Clower: Extending welcome to Terry S. and Gay Stanford.

S.R. 249 - By Senator Clower: Extending welcome to Emerson and Courtney Lutz.

S.R. 250 - By Senator Kothmann: Extending welcome to J. G. Wittliff and students from Wheatley High School.

S.R. 251 - By Senator Doggett: Extending congratulations to Bob Binder.

S.R. 253 - By Senators Clower, Snelson, Mauzy: Extending welcome to Mrs. Ruby Courtney Spiller Sieker.

S.R. 254 - By Senator Clower: Extending welcome to Preston Jones and Randy Moore.

S.R. 255 - By Senator Creighton: Extending invitation to Day Spring Singers to perform at the Capitol.

S.R. 256 - By Senator Gammage: Extending welcome to Triple L Club of the Willow Meadows Baptist Church.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:19 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.